

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\*\*\*

TIMOTHY WILLIAMS, *et al.*,

Plaintiffs,

vs.

CLARK COUNTY, *et al.*,

Defendants.

Case No. 2:18-cv-01881-APG-VCF

**REPORT AND RECOMMENDATION**

COMPLAINT SCREENING [EFC No. 4]

On October 10, 2018, the Court granted Plaintiffs Timothy and Kayla Williams' applications to proceed *in forma pauperis*. (ECF No. 3). Plaintiffs' complaint brings claims against Clark County; the Clark County Department of Family Services; Dignity Health hospital; social workers Maria McClay, Eieshia Smith, and Martha Cardiel; Dr. Leticia Campbell; Child Haven; and Ombudsman Tisa Evans. (ECF No. 4). In screening Plaintiffs' complaint, the Court found that Plaintiffs did not sufficiently allege their claims against Child Haven and Tisa Evans. (ECF No. 3 at 4-5). The Court dismissed these claims without prejudice and warned that "[f]ailure to timely file an Amended Complaint that addresses the deficiencies noted in this Order will result in a recommendation for dismissal with prejudice of their claims against Child Haven and Tisa Evans, though the other claims will be allowed to proceed." (*Id.* at 5).

The Court gave Plaintiffs until November 13, 2018 to file an amended complaint. (*Id.*). Plaintiffs have not filed an amended complaint or an objection to the Court's Order. For the reasons discussed in the Court's October 10, 2018 Order (ECF No. 3), Plaintiffs' claims against Child Haven and Tisa Evans should be dismissed with prejudice. Plaintiffs' claims against Clark County, the Clark County Department of Family Services, Dignity Health hospital, Maria McClay, Eieshia Smith, Martha Cardiel, and Dr. Leticia Campbell should be allowed to proceed.

1 Accordingly, and for good cause shown,

2 IT IS RECOMMENDED that Plaintiffs' claims against Child Haven and Tisa Evans DISMISSED  
3 WITH PREJUDICE.

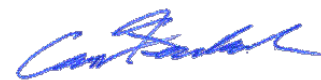
4 IT IS FURTHER RECOMMENDED that the Clerk of Court issue summons to the remaining  
5 Defendants so Plaintiffs' remaining claims may proceed.

6 **NOTICE**

7 Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing  
8 and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal  
9 may determine that an appeal has been waived due to the failure to file objections within the specified  
10 time. (*See Thomas v. Arn*, 474 U.S. 140, 142 (1985)). This circuit has also held that (1) failure to file  
11 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
12 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
13 District Court. (*See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
14 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)).

15 Pursuant to LSR 2-2, the Plaintiffs must immediately file written notification with the court of any  
16 change of address. The notification must include proof of service upon each opposing party or the party's  
17 attorney. **Failure to comply with this Rule may result in dismissal of the action.** (*See* LSR 2-2).  
18

19  
20 DATED this 27th day of November, 2018.

21  
22 

23 CAM FERENBACH  
24 UNITED STATES MAGISTRATE JUDGE  
25